

APPLICANT(S): LOUZON, Eliel et al.  
SERIAL NO.: 09/976,285  
FILED: October 15, 2001  
ASSIGNEE: Intel, Corp.  
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### REMARKS

Applicants have carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

### Status of Claims

Claims 1-8, 10-19 and 21-30 are pending.

### 35 U.S.C. § 103(a) Rejection

In the Office Action, the Examiner rejected claims 1, 3-8, 10, 11, 26 and 28 under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,003,591 to Kauffman et al. ("Kauffman") in view of US Patent 6,615,405B1 to Goldman et al. ("Goldman").

Applicants respectfully disagree with the Examiner's rejection.

As is well established, an obviousness rejection requires a teaching or a suggestion by the relied upon prior art references of all the elements of a claim (MPEP 2142). Applicants respectfully submit that the combination of Kauffman and Goldman does not meet the requirements of an obviousness rejection. In view of the arguments below, Applicants respectfully assert that neither Kauffman nor Goldman, alone or in combination, teach or suggest the limitation of independent claims 1 and 26, and therefore a *prima facie* case of obviousness has not been established by the Examiner with respect to claims 1 and 26.

Applicants' claims 1 and 26 include, inter alia, managing downloading at least two firmware functions which are accessible by more than one "driver". Applicants respectfully submit that Kauffman does not teach downloading at least two firmware functions accessible by more than one "driver", as specifically required by claims 1 and 26.

A "driver", in the context of this invention, is a computer program or software module that enables another software module or program, typically, an operating system, to interact with a hardware device. In other words, a driver is a set of instructions, e.g., a piece of software.

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Applicants respectfully submit that the different terminals, as cited by Kauffman and described by the Examiner as drivers, are actually hardware devices and therefore are not drivers as would be understood by a person skilled in the art. Since drivers are software, Applicants respectfully submit that Kauffman does not teach, suggest, or imply firmware functions that are accessible by drivers.

In addition, Applicants respectfully submit that Goldman does not cure the deficiency of Kauffman. Goldman does not teach downloading at least two firmware functions that are accessible by more than one "driver", as specifically required by claims 1 and 26. In fact, Goldman does not teach any "driver".

Therefore, it is respectfully submitted that independent claims 1 and 26 are patentable over Kauffman and Goldman, alone or in combination.

Each of claims 3-8, 10, 11 and 28 depends from one of claims 1 and 26, and thereby include all the elements of one of claims 1 and 26. Therefore, claims 3-8, 10, 11 and 28 are patentable for at least the reasons described above with regard to claims 1 and/or 26.

In view of above, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3-8, 10, 11, 26 and 28 under 35 U.S.C. § 103(a) over Kauffman in view of Goldman.

In the Office Action, the Examiner rejected claims 2, 19, 21-25, 27 and 29-30 under 35 U.S.C. § 103(a) as being unpatentable over Kauffman, in view of Goldman, and further in view of US Patent 5,539,896 to Lisle ("Lisle").

Applicants respectfully disagree with the Examiner's rejection.

As discussed above, claims 1 and 26 are allowable over Kauffman and Goldman. Lisle does not cure the deficiency of Kauffman and Goldman. Claims 2 and 27 depend directly from claims 1 and/or 26 and thereby includes all the elements of claims 1 and/or 26 as well as additional distinctive features. Therefore, claims 2 and 27 are patentable for at least the reason as described above with regard to claims 1 and/or 26.

Independent claims 19 and 29 include, inter alia, downloading at least two firmware functions that are accessible by more than one "driver". Neither Kauffman, nor Goldman, nor

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Lisle, teaches or suggests downloading at least two firmware functions that are accessible by more than one "driver", as required by claims 19 and 29.

Therefore, it is respectfully submitted that independent claims 19 and 29 are patentable over Kauffman, Goldman, and Lisle, alone or in combination.

Each of claims 21-25 and 30 depends from one of claims 19 and 29, and thereby include all the elements of one of claims 19 and 29. Therefore, claims 21-25 and 30 are patentable for at least the reasons described above with regard to claims 19 and/or 29.

In view of above, Applicants respectfully request that the Examiner withdraw the rejection of claims 2, 19, 21-25, 27 and 29-30 under 35 U.S.C. § 103(a) over Kauffman in view of Goldman, and further in view of Lisle.

In the Office Action, the Examiner rejected claims 12-18 under 35 U.S.C. § 103(a) as being unpatentable over Kauffman, in view of Goldman, and further in view of US PreGrant Publication 2002/0166061 A1 to Falik et al ("Falik").

Applicants respectfully disagree with the Examiner's rejection.

As is discussed above, claim 1 is allowable over Kauffman and Goldman. Falik does not cure the deficiency of Kauffman and Goldman. Claims 12-18 depend from claim 1 and thereby include all the elements of claim 1. Therefore, claims 12-18 are patentable for at least the reasons described above with regard to claim 1.

In view of above, Applicants respectfully request that the Examiner withdraw the rejection of claims 12-18 under 35 U.S.C. 103(a) over Kauffman in view of Goldman, and further in view of Falik.

#### **Conclusion**

In view of the above remarks, Applicants respectfully submit that claims 1-8, 10-19 and 21-30 are new, non-obvious and useful, and are patentable over all the prior art references on record, alone or in combination. Favorable reconsideration and allowance of above claims are respectfully requested.

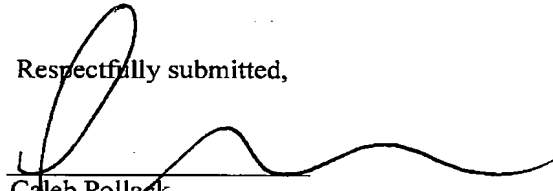
Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone

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number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

The fee for a Request for Continued Examination (RCE) is being submitted separately. No other fees are believed to be due in connection with this paper. However, if any such fees are due, the Office is hereby authorized to charge such fees to Deposit Account 50-3355.

Respectfully submitted,



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